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FILED
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

07 OCT 31

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'07 MJ 2569

UNITED STATES OF AMERICA,

Plaintiff,

v.

Irene MERINO,

Defendant

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Magistrate Docket No.


COMPLAINT FOR VIOLATION OF:
DEPUTY

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **October 30, 2007** within the Southern District of California, defendant, **Irene MERINO**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 31st DAY OF OCTOBER
2007


Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Irene MERINO

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PROBABLE CAUSE STATEMENT

On October 30, 2007, Border Patrol Agent H. Hoessel was assigned to line watch duties in the Campo Border Patrol Station of operations in Campo, California. Agent Hoessel was working near Shasta Road. Shasta Road is located approximately 10 miles east of the Tecate, California Port of Entry and approximately five miles north of the U.S./ Mexico International Boundary. At approximately 2:30 a.m., Agent Hoessel received a notice via service radio of a seismic intrusion device in his area. Upon arrival in the area, Agent Hoessel observed fresh footprints for approximately eight individuals heading in a northbound direction. After following the footprints for approximately 45 minutes, Agent Hoessel observed eight individuals attempting to hide in the brush.

All individuals including one later identified as **Irene MERINO**, freely admitted to being citizens and nationals of Mexico without the proper documents to be in or remain in the United States legally. All of the individuals, including the defendant, were arrested and transported to the Border Patrol Station in Campo, California for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on or about **October 26, 2007**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.